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4 **UNITED STATES DISTRICT COURT**
5 **SOUTHERN DISTRICT OF CALIFORNIA**
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7 BRENT A. MILLER, BRENDA J.
8 MILLER,

Plaintiffs,

9 vs.

10 CHARLES B. HEMPEL, et al.,

11 Defendants.
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CASE NO. 08cv1583 BTM(LSP)

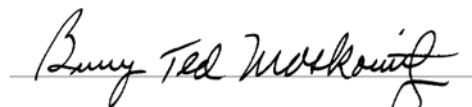
**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE
DISMISSED FOR LACK OF
JURISDICTION**

13 On their Civil Cover Sheet, Plaintiffs indicate that the Court has federal question
14 jurisdiction over this action. However, Plaintiffs' Complaint asserts state causes of action for
15 fraud, breach of contract, abuse of process, intentional infliction of emotional distress, and
16 trespassing. It does not appear that this action arises under the Constitution, laws, or
17 treaties of the United States. See 28 U.S.C. § 1331. Furthermore, it appears that there is
18 no diversity jurisdiction. See 28 U.S.C. § 1332.

19 Accordingly, the Court **ORDERS** Plaintiffs **TO SHOW CAUSE** why this case should
20 not be dismissed for lack of jurisdiction. Plaintiffs shall file a written response to this Order
21 to Show Cause on or before September 19, 2008. The Court hereby sets the Order to Show
22 Cause for hearing on **September 26, 2008 at 11:00 a.m.** Unless otherwise directed by the
23 Court, there shall be no oral argument, and no personal appearances are necessary.

24 **IT IS SO ORDERED.**

25 DATED: September 2, 2008

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27 Honorable Barry Ted Moskowitz
28 United States District Judge